

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-21 are now pending.

Original claims 1, 5, 9, 16 and 20 were rejected under 35 USC 102(e) as anticipated by Tempere. Applicant respectfully traverses this rejection.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

Claims 1 and 16 have been amended above to more specifically characterize the main body of the radial retainer as defining at least one opening for the passage of cooling air into a cooling passage defined radially of the turbine blade. This feature was recited, albeit with respect to the frame portion of the main body, in original claims 3 and 18. Dependent claims 3 and 18 have been revised in view of the revisions to claims 1 and 16. It is respectfully submitted that the invention as now more specifically recited in claims 1 and 16 is novel over and unobvious in view of the earlier issued patent to Tempere. In this regard, Tempere is illustrated as and apparently designed for an uncooled steam turbine/blade. As such Tempere makes no provision for permitting cooling air into the bucket/blade.

In contrast to the limited teachings of Tempere, the invention claimed in claims 1 and 16 permits cooling air to enter the bucket/blade by providing a radial retainer having a main body that does not substantially block the cooling passages defined radially of the turbine blade. On the contrary, the main body of the radial retainer defines at least one opening that permits the passage of cooling air therethrough and into the radial cooling passage of the blade. As the invention recited in claims 1 and 16 differs from Tempere, and provides substantial advantages thereover as summarized above, it is respectfully submitted that the invention is not anticipated by nor obvious from Tempere.

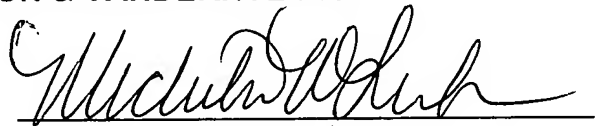
Applicant notes with appreciation the Examiner's indication that claims 10-15 contain allowable subject matter and are allowed.

Applicant also notes with appreciation the Examiner's indication that claims 2-4, 6-8 and 17-19 contain allowable subject matter. New independent claim 21 corresponds to a combination of original claims 1 and 2 and should therefore be considered allowable.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michelle N. Lester
Reg. No. 32,331

MNL:slj
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100